

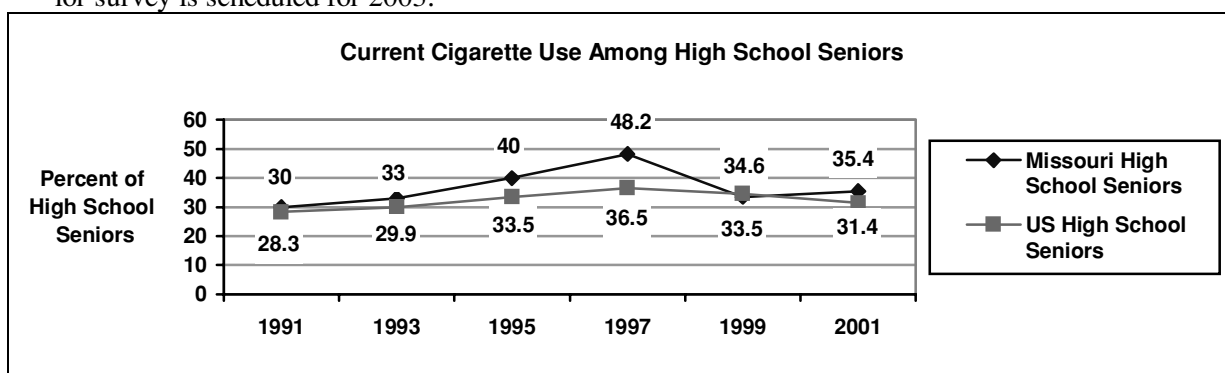
YOUTH AND TOBACCO IN MISSOURI

Youth Access Laws

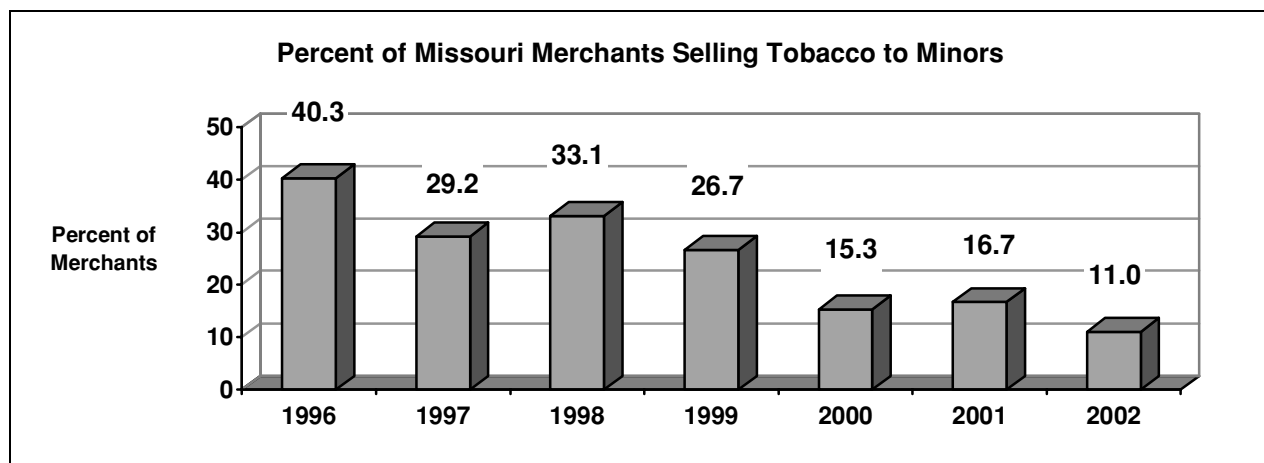
- **No tobacco sales to persons under age 18:** Missouri state law prohibits the selling of tobacco products to anyone under the age of 18 years. Merchants are also required to post a state law sign at every tobacco display, including cigarette machines. (*RSMO 407.926-407.927*)
- **State Law Enforcement:** The Department of Public Safety—Division of Liquor Control has the authority to enforce the state's laws related to the control and sale of tobacco. (*RSMO 407.934*)
- **Vending Machines:** As of January 1, 2002, vending machines are required to be equipped with a device that disables them until unlocked by a sales person. Vending machines located in areas where patrons must be over the age of 18 or in places not generally accessible to the general public are exempted from this requirement. (*RSMO 407.931*)
- **Minor possession:** No person under the age of 18 shall purchase, attempt to purchase, or possess tobacco products unless in the course of employment. Persons under the age of 18 will have their tobacco products confiscated. (*RSMO 407.933*)
- **Tobacco Registry:** The Department of Revenue is required to establish and maintain a listing of establishments that sell tobacco products in the state. (*RSMO 407.934*)
- **Federal Regulation:** Federal SYNAR regulation, administered by the US Department of Health and Human Services, requires all states to establish laws that make it unlawful to sell or distribute tobacco products to any individual under the age of 18 years and to enforce such laws in a manner that can reasonably be expected to reduce youth access to tobacco products. It also requires states to annually measure compliance through random, unannounced inspections. All states are expected to achieve a violation rate of no more than 20 percent. (*42 U.S.C. 300x-26 and 45 C.F.R. 96.130*)

Current Status

- **Youth Lifetime Use:** Over 75 percent of Missouri high school students surveyed reported having tried cigarette smoking [7].
- **Youth Current Use:** In 2001, 35.4 percent of Missouri high school seniors reported current use of cigarettes, up somewhat from 33.5 percent in 1999 but down from a high of 48.2 percent in 1997. For most of the 1990's, the rate of current cigarette use among Missouri high school seniors had been considerably higher than the corresponding rate for the nation as a whole [7, 72]. The next Missouri senior survey is scheduled for 2003.



- **Merchant Compliance:** In 2002, an estimated 11.00 percent of Missouri merchants unlawfully sold cigarettes and smokeless tobacco to individuals under the age of 18 years—down from the previous year's rate of 16.71 percent. For the past three years, the State has had a non-compliance rate below the long-term Synar target rate of 20%. The State has used a combination of law enforcement and merchant education activities in order to bring down the non-compliance rate from a high of 40 percent (baseline year) to a rate less than the 20 percent target rate, as illustrated on the next page [23].



State Initiatives aimed at Youth Tobacco Access

- Law Enforcement Surveillance:** The Division of Liquor Control has fifty field agents to enforce both alcohol and tobacco laws. Citizen or local law enforcement complaints initiate surveillance investigations. During FY2002, 17 arrests and one guilty disposition were made for violations of Sale of Tobacco to Minors (407.931.3), 196 arrests and 14 guilty dispositions were made for violations of Possession or Attempt to Purchase Tobacco by Minors (407.933.1), and two arrests but no guilty dispositions were made for violations of Misrepresentation of Age to Purchase Tobacco by Minors (407.933.2). The Division of Liquor Control also provides server training covering alcohol and tobacco laws to all interested retailers.
- Merchant Education Program:** During 2002, the Department of Mental Health—Division of Alcohol and Drug Abuse conducted a comprehensive merchant education program that included outlet educational visits, compliance checks, and feedback to clerks and owners/managers [23].

Educational Visits: Visits to tobacco outlets were made to provide merchants with information regarding the state's laws on youth access to tobacco products. From April through July 2002, the prevention teams conducted walk-in visits to the previously identified tobacco retailers in the state. In addition, new businesses that sell tobacco products were identified and visited. Tobacco retailers received up to four visits during this time period. During these visits, informational brochures, tobacco signs, and calendars were given to store employees. In total, 23,505 walk-in visits were conducted in which contact was made with the storeowner, manager, and/or other employees. Owner contacts numbered 4,579. Manager contacts numbered 2,169. Over 6,450 outlets received at least one visit.

Compliance Checks (includes Synar checks): Since April 2001, compliance checks are being conducted in which a youth age 16 or 17 attempts to purchase a tobacco product. If the mode of purchase is over-the-counter, the event is considered a successful unconsummated buy if the retail clerk fails to request ID or the age of the youth prior to requesting payment for the tobacco product and fails to refuse the sale. If the mode of purchase is vending machine, the event is considered a successful unconsummated buy if the youth is able to insert a quarter into the vending machine and leave the premises without intervention by store employees whereby they request ID or the age of the youth. During these checks, the youth inspectors purchase no tobacco products. If the check results in a successful (unconsummated) buy, the clerk receives a caution card. The check is followed-up by a caution letter to the owner/manager generally within two weeks of the check. If the store employee refuses the sale, then the store employee is given a congratulatory card. These checks are followed up with a congratulatory letter to the owner/manager of the retail establishment. From August 1, 2001 through July 22, 2002, there were 3,064 checks (including Synar checks), of which 335 (10.93%) resulted in the issuance of caution cards.